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2                   08 JAN 16 PM 2:54  
3                   CLERK, U.S. DISTRICT COURT  
4                   SOUTHERN DISTRICT OF CALIFORNIA  
5                   BY: *g* DEPUTY

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8                   UNITED STATES DISTRICT COURT  
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10                  SOUTHERN DISTRICT OF CALIFORNIA '08 CR 0134 JAH

11                 January 2007 Grand Jury

12                 UNITED STATES OF AMERICA, )      Criminal Case No. \_\_\_\_\_  
13                 )  
14                 Plaintiff,           )      I N D I C T M E N T  
15                 )  
16                 v..                   )      Title 8, U.S.C., Secs. 1326(a)  
17                 MANUEL DELGADO,       )      and (b) - Attempted Entry After  
18                 )      Deportation; Title 18, U.S.C.,  
19                 Defendant.           )      Sec. 911 - False Claim to United  
20                 )      States Citizenship  
21                 )  
22                 )

23                 The grand jury charges:

24                 Count 1

25                 On or about October 4, 2007, within the Southern District of  
26                 California, defendant MANUEL DELGADO, an alien, knowingly and  
27                 intentionally attempted to enter the United States of America with the  
28                 purpose, i.e., conscious desire, to enter the United States without  
                   the express consent of the Attorney General of the United States or  
                   his designated successor, the Secretary of the Department of Homeland  
                   Security, after having been previously excluded, deported and removed  
                   from the United States to Mexico, and not having obtained said express  
                   consent to reapply for admission thereto; and committed an overt act  
                   to wit, crossing the border from Mexico into the United States, that

1 was a substantial step toward committing the offense, all in violation  
2 of Title 8, United States Code, Sections 1326(a) and (b).

3 It is further alleged that defendant MANUEL DELGADO, was removed  
4 from the United States subsequent to September 12, 2006.

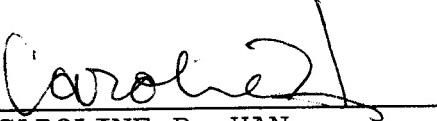
5 Count 2

6 On or about October 4, 2007, within the Southern District of  
7 California, defendant MANUEL DELGADO did falsely and willfully  
8 represent to United States Department of Homeland Security Customs and  
9 Border Protection Enforcement Officer D. Curfiss, a person having good  
10 reason to inquire into the nationality status of the defendant, that  
11 he was a citizen of the United States; whereas, in truth and fact, as  
12 the defendant then and there well knew, he was not a citizen of the  
13 United States; in violation of Title 18, United States Code,  
14 Section 911.

15 DATED: January 16, 2008.

16 A TRUE BILL:  
17   
18 Foreperson

19 KAREN P. HEWITT  
20 United States Attorney

21 By:   
22 CAROLINE P. HAN  
23 Assistant U.S. Attorney

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25  
26  
27  
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